

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Fred Harrowell & Sons Ltd.,
58 Western Road,
Tring,
Herts.

Alfred J. Bates Dipl. Arch, ARINA,
The Studio,
62 Wendover Road,
Aylesbury, Bucks.

..... Storage Building for Builders Yard
..... Outline
at Land rear Gowers Yard,
..... Western Road, Tring.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 23rd May 1984 and received with sufficient particulars on 7th June 1984 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

- (1) The erection of the proposed building is likely to result in a considerable increase in the activity on the site creating noise and disturbance to the occupants of the nearby houses.
- (2) The site has no proper road access being served only by a narrow unmade track to the rear of houses. The proposal is likely to result in increased traffic, including commercial vehicles, to and from the site, creating noise and disturbance for residents of Goldfield Road.
- (3) The access drive and site area are insufficient to enable the construction of an adequate vehicular access road.
- (4) The site layout makes inadequate provision for car parking and servicing within the site.

Dated 19th day of July 19 84

Signed *W. B. Marshall*

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

COPY

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Department of Transport

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	C.	D.C.	Admin.	File
11 MAR 1985					
Comments					
Your reference					
Our reference					
T/APP/A1910/A/84/021048 and					
Date 021049/P5					

-8 MAR 85



A J Bates Esq ARIBA
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HP21 7LW

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY F HARROWELL AND SONS LTD
APPLICATION NOS:- 4/0775/84 AND 4/0178/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals against the decisions of the Dacorum District Council to refuse planning permission for 1. 4 No. 3-storey town houses with integral garages and 2. single storey storage building for appellants' existing plant and materials for use with existing builders yard. Both appeals relate to the same area of land at the rear of the coal depot on Western Road, Tring. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 23 January 1985.
2. Although the applications are in outline they include plans showing the 'siting' of the proposed buildings and, as a consequence, I consider 'siting' forms part of the application before me.
3. The appeal site is a rectangular shaped area about 30 m by 20 m in extent. It is used as a compound for the storage of builders' plant and materials. To the south-west is a substantial building used as a milk distribution depot, to the south-east is a coal depot (part used in connection with furniture removals) and to the north-east beyond the rear access to the coal depot is a compound for the storage of cars. To the north-west beyond the access track which serves the appeal site are semi-detached houses in Goldfield Road. The appeal site is about 110 m to the east of the point where the access track joins Miswell Lane. For much of its length the access track is unmade.
4. Turning firstly to the residential proposal I take the view, on the basis of the representations and my inspection, that the decision primarily depends on whether the proposed development is acceptable given the character of the locality, the amenities likely to be available to the occupants of the town houses and the means of access.
5. The proposed dwellings would occupy an area of backland which has commercial/ industrial uses on 3 sides. To my mind it would be inappropriate for the site to be developed for residential purposes. The juxtaposition of the dwellings to the neighbouring non-residential uses would expose the occupants of the proposed dwellings to unwelcome commercial noise and disturbance and, possibly, even dust nuisance from the adjoining coal depot. These problems would be emphasised as the site is restricted in size which would leave the dwellings close to the site

boundaries. In my opinion the units would be cramped with only a limited area of amenity open space attached to each dwelling. In addition the site would be served by an access which is both long and below the standard which I regard as necessary for residential development nowadays. Additionally given the absence of a proper turning head and also that I consider the parking provision to be inadequate it seems to me that the proposed development would result in congestion and inconvenience for other users of the access. I appreciate that your clients would be prepared to upgrade the access but I note that it is not part of the application site and it is not within their control.

6. In respect of the proposed storage building I consider that the decision primarily turns on the likely impact on the amenities enjoyed by nearby residents and the suitability of the means of access and the parking/servicing arrangements, bearing in mind also the prevailing planning policies.

7. The site is not within any of the areas where the adopted Dacorum District Plan indicates planning permission for new industrial buildings would normally be granted. The proposal is, therefore, in conflict with the local plan though I do not regard this to be an overriding consideration given that the site has been used for the storage of plant and materials for a considerable period of time and, as far as I am aware, neither the site nor the nearby non-residential businesses are likely to be disturbed for the foreseeable future. Furthermore given the current use of the site I am not persuaded that the storage building would result in additional noise and disturbance for nearby residents. Moreover in terms of visual amenity the proposal would be beneficial for local residents. To my eye the site is untidy and an eyesore and I consider that the erection of a carefully designed building kept relatively low in height would tend to improve the appearance of the locality. Regarding the means of access I recognise that it is less than ideal for vehicular traffic but I do not consider that this disadvantage in itself warrants the refusal of planning permission bearing in mind the level of traffic which is already attracted to the site. However I note also that the parking provision is limited and the servicing/turning facilities are constrained in the submitted plan due to the size and siting of the proposed storage building. In my opinion the importance of adequate on-site parking/servicing facilities is emphasised in this instance due to the deficiencies of the access. To my mind it is important that development at the site does not aggravate the existing difficulties for traffic using the adjoining access route. As a consequence of the above I consider the submitted proposal to be unacceptable.

8. I have taken account of all of the other points raised but I am not persuaded that they outweigh the factors which led me to my decision. I would add that I note the layout put forward at a late date and I accept that it is a material improvement on the submitted scheme. However I do not consider that I could attach a condition relating to the layout to a grant of permission as it would make the development permitted substantially different to the submitted proposal.

9. For the reasons I have given and in exercise of the powers transferred to me I hereby dismiss both appeals.

I am Sir
Your obedient Servant

R N Parry.

R N PARRY BA DipTP MRTPI
Inspector